

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-20652-1

Case No. 20-20187

vs.

HON. SEAN F. COX

D-1 BILLY ARNOLD,

Defendant.

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ORDER DENYING DEFENDANT'S MOTION FOR WRITTEN
PRE-VOIR DIRE JUROR QUESTIONNAIRES (ECF No. 78)

This matter is before the court on defendant's motion for approval to use written juror questionnaires as part of the voir dire process. ECF No. 78. The government does not object to the request for questionnaires. For the reasons set forth below, the motion is denied.

Defendant argues that juror questionnaires will make the voir dire process more efficient. They point out that questionnaires were used at the first trial of Mr. Arnold and a significant number of prospective jurors were identified for agreed-upon motions to strike prior to the start of the oral voir dire process. Another suggested benefit is that prospective jurors who state they have been exposed to information about the case can be questioned out of the hearing of the panel to avoid unnecessarily tainting the panel. Finally, defendant maintains that questionnaires allow prospective jurors to

give more consideration to questions about their attitudes and experiences regarding the criminal justice system.

Approving the use of juror questionnaires is a matter within the discretion of the court. In exercising its discretion, the court must weigh the significant resources required to administer questionnaires verses the benefits. See *Sanford v. Russell*, No. 17-13062, 2019 WL 12074091, at *1 (E.D. Mich. May 8, 2019) (citing *United States v. Phibbs*, 999 F.2d 1053, 1071 (6th Cir. 1993)). This case does not present exceptional issues that warrant the use of questionnaires. The court believes the issues that need to be explored with prospective jurors can be adequately and efficiently resolved during oral voir dire, and therefore denies the use of questionnaires.

IT IS HEREBY ORDERED that defendant's motion for pre-voir dire juror questionnaires (ECF No. 78) is DENIED.

It is so ordered.

Dated: May 2, 2023

s/Sean F. Cox
Sean F. Cox
U.S. District Judge